

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land – Sri Potti Sriramulu Nellore District – Revision Petition – Extent of **Ac. 2.01 cts.** in **Sy.No.1010/1** of East Gudur Village, Gudur Mandal filed by Sri Balaji Developers, Gudur represented by its Managing Partners Sri V. Gopalakrishna Murthy and Sri Kota Rama Rao before the Government against the orders of the Joint Collector, Sri Potti Sriramulu Nellore District and the lower authorities - Heard the arguments – Revision Petition disposed - Orders - Issued.

REVENUE (ASSIGNMENT-II) DEPARTMENT

G.O.Ms.No. 2173

Dated:03.12.2011

Read the following:-

1. Proceedings No. Rc.A.190/2005, dt. 9.12.2005 of the M.R.O., Gudur.
2. Proceedings No.D.Dis.(B1) 72/2006, dt.16.3.2006 of the R.D.O., Gudur.
3. Proceedings No. D.Dis(E8)4047/06, dt.9.3.2007 of the Jt.Collector, S.P.S. Nellore District.
4. Revision Petition filed by the Counsel for the Revision Petitioners, Sri Balaji Developers, Gudur rep. by its partners, Sri V. Gopalakrishna Murthy & Sri Kota Rama Rao, dt. Nil.

ORDER:

In the reference 1st read above, the Mandal Revenue Officer, Gudur has stated that Sri Marella Rajendra Babu and others of Ashok Nagar, East Gudur Village, Gudur Mandal, Sri Potti Sriramulu Nellore District have represented to the District Collector, Nellore that they are poor SCs., they have occupied some lands backside the Audisankara College situated in S.No.1029/2B2 etc., of East Gudur village, they are cultivating the lands, and that they have requested the M.R.O., Gudur to grant them pattas. As per the instructions of the District Collector, Nellore and the R.D.O., Gudur, the Tahsildar, Gudur who inspected the land has reported that during the verification of assigned land in the village it was brought to the notice that the above assigned land was under active possession and enjoyment of Sri Balaji Developers, Gudur by way of purchase from Sri Boddu Madhusudhan Reddy. According to Section 3(1) of the A.P. Assigned Lands (POT) Act 9/1977 transfer of any land assigned to a landless poor person by way of sale gift, mortgage, exchange, lease or otherwise is prohibited and no right or title in such assigned land shall vest in any person acquiring the land by such transfer and such transaction is deemed to have been taken place. Hence, the M.R.O., Gudur has initiated Proceedings under Section 4 (a) of the A.P. Assigned Lands (POT) Act, 1977 for having violated the condition of the grant i.e., non-alienability and resumed the land to Government after following due process of law in respect of the following lands:-

Name of the Village	Sy.No.	Extent	Classification
East Gudur	1010/2	Ac. 5.00 cts.	Dry
East Gudur	1010/1	Ac.2.01 cts.	Dry
East Gudur	1014/B	Ac.3.07 cts.	Dry
East Gudur	1013/2	Ac.7.98 cts.	Dry

2. In the reference 2nd read above, the R.D.O., Gudur has enquired into the matter and found that the land measuring an extent of Ac.2.01 ct. in Sy.No.1010/1 was purchased by the Revision Petitioners and that action initiated by the M.R.O., Gudur is under the provision of the A.P.Assigned Lands (P.O.T.) Act 9/1977 is according to law and is allowed. He has stated that the M.R.O., Gudur has resumed the above land to the Govt. is proved in accordance with law and therefore the appeal filed by Sri Balaji Developers is dismissed as devoid of merits.

(p.t.o.)

3. In the reference 3rd read above, while disposing of the appeal filed by Sri Balaji Developers, the Joint Collector, Sri Potti Sriramulu Nellore District has stated that the Revision Petitioners have contended that the land measuring an extent of Ac.2.01 ct. in Sy.No.1010/1 is not assigned land and they have not even purchased a single cent of land from Sri Gudur Venkata Ramanaiah. But as per records the A.W. land in Sy.No.1010/1 was assigned to landless poor Sri Gudur Venkata Ramanaiah. The Revision Petitioners have contended that they have purchased the land from Sri B.Madhusudhan Reddy through registered sale deed and the vendor in the document has mentioned that the land in Sy.No.1010/1 is not an assigned land. The vendors of the Revision Petitioners merely claimed that it is not assigned land in the registered document and considering the fact that it is classified as A.W., it is only misleading especially in the absence of proof as to how the vendor got title over the land. The present Revision Petitioners have stated that land was assigned to an ex-serviceman and the ex-service personnel are entitled to alienate the land as per G.O.Ms.No.1117, Revenue (Assn.I) Dept., dt. 11.11.1993. They have not produced any evidence that the land in Sy. No. 1010/1 of East Gudur Village was assigned to Ex-serviceman and for the records it is evident that the land in Sy.No.1010/1 is Government land, while so the Revision Petitioners had to produce as to how title was transferred to their vendor. Hence it is evident that the M.R.O., Gudur has rightly come to a conclusion that the assigned land to landless poor was purchased by the R.Ps. and therefore the M.R.O., Gudur has initiated action under the provisions of the A.P. Assigned Lands (POT) Act 9/1977 and resumed land to the Govt. The appellate authority and the R.D.O., Gudur has also rightly upheld the orders of the M.R.O., Gudur. In the circumstances, the orders of the Mandal Revenue Officer, Gudur and the Revenue Divisional Officer, Gudur, the R.P. deserves no consideration and dismissed.

4. Aggrieved by the orders of the Joint Collector, Sri Potti Sriramulu Nellore District Sri Balaji Developers have filed Revision Petition before the Govt. The case was finally called on 7-9-2011. The Counsel for the Revision Petitioners and the Dy. Tahsildar, Gudur on behalf of the Tahsildar, Gudur were present. During the course of argument, the Counsel for the revision petitioners has informed that an extent of Ac.2.01 ct. in Sy.No. 1010/1 of East Gudur was already gifted to the Gram Panchayat Potupalem by Sri Balaji Developers themselves. Moreover, the subject land was already in the possession of Gram Panchayat Potupalem. The question of gift by them does not arise as the lands are declared as Government land by the proceedings of the district level officials. In view of the evidence of land records, the Orders of the Joint Collector, Sri Potti Sriramulu Nellore District is upheld.

5. The District Collector, Sri Potti Sriramulu Nellore shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Sri Potti Sriramulu Nellore District.

Sri Balaji Developers, Gudur, Sri Potti Sriramulu Nellore District (through the Tahsildar, Gudur Mandal).

Sri V.Gopala Krishna Murthy, S/o. Venkata Subbaiah, R/o. East Gudur, Sri Potti Sriramulu Nellore District (through the Tahsildar, Gudur Mandal).

Sri Kota Rama Rao, S/o. Venkata Narayana, R/o. East Gudur, Opp. DRDW College, Gudur Town, Sri Potti Sriramulu Nellore District (through the Tahsildar, Gudur Mandal).

Copy to:

Sri V.Narayana Reddy, Advocate, IC-123, Erramanzil Colony, Somajiguda, Hyderabad -82.

The Tahsildar, Gudur, SPS Nellore District.

The P.S. to Principal Secretary to Government, Revenue Department.

// FORWARDED :: BY ORDER //

SECTION OFFICER